

REMARKS:

Reconsideration of the rejections is respectfully requested.

The status of the claims is as follows:

Amended:	43, 57-8, 66, 68
Cancelled:	None
New:	None
Pending:	43-76

The claims have been amended to more clearly define the invention. Support for the amendments is either apparent, or is as described in the text below.

Restriction

The objection asserting that some of the claimed subject matter is outside the scope of the elected subject matter is accepted in part and traversed in part. The Group in question, set forth in an Office Action dated June 1, 1998, reads:

Claims 1, 3-14 and 18-27, drawn to compounds, compositions, and method of use where at least one of the substituents R^x and R^y is an oxygen or sulfur containing hetero ring and the other is non-nitrogen containing hetero ring with no additional heterocyclic rings as shown in species A32, A41, A42, A140 and A161, classified in class 549, subclasses 74, 75, 76, 77, 438 and 451 and class 514, subclasses 438, 466 and 471.

Thus, the elected subject matter is defined by not having nitrogen heteroatoms in the rings of R^x and R^y. Accordingly, Applicant has sought to correct all recitations of nitrogen ring atoms in R^x and R^y that were previously overlooked. However, objections as to R⁵, R²³ and R²⁴ combined, and R¹³ and R¹⁴ combined (with attached nitrogen) are respectfully traversed. These ring options were not subject to the Restriction, inclusion would create an unduly burdensome division of the subject matter of this application, and joint examination is not unduly burdened by inclusion.

Claim Rejections - 35 U.S.C. §112, ¶2

The Office Action recites several rejections, labeled a) through l), under 35 U.S.C. §112, Second Paragraph. Applicant's responses are set forth below in correspondingly labeled paragraphs.

- a) The objected-to "comprises" (with respect to R²) has been changed to "is" to more clearly reflect the intended meaning.
- b) The objected-to "comprises" (with respect to section (2)(2ⁱⁱⁱ)(a)) has been changed to "is" to more clearly reflect the intended meaning.
- c) The objected-to "comprising" (with respect to section (2)(2ⁱⁱⁱ)(c)((i.)) has been changed to "in which the second bridge is" to more clearly reflect the intended meaning.
- d) The objected-to "comprises" (with respect to section (2)(2ⁱⁱⁱ)(d)) has been changed to "is" to more clearly reflect the intended meaning.
- e) The incorrect cross-reference in section (2)(2ⁱⁱⁱ)(d) has been corrected.
- f) The objected-to "comprises" (with respect to section (3)) has been changed to "is" to more clearly reflect the intended meaning.
- g) The confusing referencing of that which is "of" R¹⁵ and R¹⁶ in section (6) has been clarified.
- h) Claim 57: The questioned term has been made consistent with the antecedent.
- i) Claim 58: The questioned term has been made consistent with the antecedent.
- j) Claims 64, 65, 72: Applicant respectfully submits that open-ended language is appropriate here. The composition must always have the novel compound of claim 43. Moreover, the language is standard language for pharmaceutical composition claims.
- k) Claim 66: The claim has been amended to make the antecedent more clear.
- l) Claims 68-71, 75, 76: Applicant respectfully submits that open-ended language is appropriate here. The method must always administer an appropriate amount of the novel compound of claim 43. Moreover, the language is standard language for method of treatment claims.

DOCKET NO.317743-103C
SERIAL NO. 09/757,011

Conclusion

In light of these amendments and remarks, it is respectfully submitted that the Amendment should be entered, the rejections should be withdrawn, and that the application is in condition for allowance.²

Respectfully submitted,



Arthur E. Jackson
Registration No. 34,354

Law Offices of Arthur E. Jackson
P.O. Box 88
Hopewell, NJ 08525
Arthur E. Jackson 609.333.0308
Fax: 908.847.0446

² **FEE DEFICIENCY**

IF ANY ADDITIONAL EXTENSION IS REQUIRED, PLEASE CONSIDER THIS PAPER A PETITION FOR SUCH AN EXTENSION; ANY FEE FOR THE EXTENSION REQUIRED FOR CONSIDERATION OF THIS PAPER BUT NOT ENUMERATED ABOVE OR IN A TRANSMITTAL OR OTHER ASSOCIATED PAPER CAN BE CHARGED TO ACCOUNT NO. 50-3166.

AND/OR

IF ANY ADDITIONAL FEE IS REQUIRED FOR CONSIDERATION OF THIS PAPER, PLEASE CHARGE ACCOUNT NO. 50-3166.